

MAY 23 2007

WN-16J

Edward E. Weisner, P.E.  
Director of Engineering  
City of Green Bay  
100 N. Jefferson Street  
Green Bay, WI 54301

Re: Phase II Storm Water Program

Dear Mr. Weisner:

We have received a copy of the City of Green Bay's June 2, 2006, application to the United States Environmental Protection Agency (U. S. EPA) for a National Pollutant Discharge Elimination System permit for storm water discharges from the portion of the Green Bay Municipal Separate Storm Sewer System (MS4) located within the Oneida Reservation.

Based on a preliminary review, we believe the application will be complete after we receive the following information:

- A listing of applicable permits or construction approvals which the City of Green Bay has received or applied for under any of the programs listed at Title 40 of the Code of Federal Regulations, Section § 122.21(f)(6). (See enclosure); and
- Whether discharges from your small MS4 effect Federally-listed endangered species or historic properties (see below).

The Endangered Species Act (ESA) requires U. S. EPA to ensure, in consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service, that permitted storm water discharges are not likely to jeopardize the continued existence of any Federally-listed endangered or threatened species or adversely modify or destroy critical habitat of such species. The National Historic Preservation Act (NHPA) requires U. S. EPA to take into account the effects of permitted storm water discharges on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places.

In order to assist U. S. EPA in meeting our obligations under the ESA and the NHPA, please provide information that the program activities which the City expects to develop and implement are in compliance with the ESA and the NHPA. This information can be in the form of a letter from the Green Bay Office of the Fish and Wildlife Service indicating that discharges from your small MS4 do not impact endangered or threatened species or critical habitat. Similarly, a letter from Corina Williams, the Oneida Tribal Historic Preservation

Officer (THPO) indicating that discharges from your small MS4 do not impact historic properties will meet the requirement for NHPA. Ms. Williams can be reached by calling (920) 490-2095. Please note that if your discharges have the potential to affect endangered species or historic properties, your permit may contain requirements to address any potential affects.

Please submit this information within 45 days of receipt of this letter. We are prepared to work with you to assure that your storm water program reduces the discharge of pollutants from the MS4 to the maximum extent practicable. If you have any questions, please feel free to call Brian Bell at 312-886-0981.

Sincerely yours,

/s/ Original Signed by  
Jodi Traub

Jo Lynn Traub  
Director, Water Division

Enclosure

**Enclosure**

Permit applications must include the following information:

40 CFR § 122.21(f)

6. A listing of all permits or construction approvals received or applied for under any of the following programs:
  - (i) Hazardous Waste Management program under RCRA;
  - (ii) UIC program under SDWA;
  - (iii) NPDES program under CWA;
  - (iv) Prevention of Significant Deterioration (PSD) program under the Clean Air Act;
  - (v) Nonattainment program under the Clean Air Act;
  - (vi) National Emission Standards for Hazardous Pollutants (NESHAPS) preconstruction approval under the Clean Air Act;
  - (vii) Ocean dumping permits under the Marine Protection Research and Sanctuaries Act;
  - (viii) Dredge or fill permits under section 404 of CWA; and
  - (ix) Other relevant environmental permits, including State permits.

bcc: Brian Bell  
David Soong  
Morris Beaton

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